

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Jackson Lee

Plaintiff,

- against -

NBCUniversal Media, LLC

Defendant.

Docket No. 18-cv-2453

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Jackson Lee (“Lee” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant NBCUniversal Media, LLC (“NBC” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of celebrity John Legend with his daughter. The photograph is owned and registered by Lee, a New York-based professional photographer. Accordingly, Plaintiff seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides and conducts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Lee is a professional photojournalist having a usual place of business at 515 West 52nd Street Apt PH2H, New York, NY 10019.

6. Upon information and belief, NBC is a foreign corporation duly organized and existing under the laws of Delaware with a place of business at 30 Rockefeller Plaza, New York, New York 10112.

7. Upon information and belief, at all times material hereto, Defendant has controlled and operated the Website at the website at the URL: <http://today.com> (the “Website”).

8. NBC is a for-profit entity.

9. The Website publishes news and celebrity entertainment stories, and Defendant derives substantial revenue from paid advertizing on the Website.

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photograph**

10. In December, 2017 Lee photographed celebrity John Legend with his daughter (“the Photograph”). A true and correct copy of the Photograph, is attached hereto as Exhibit A.

11. Lee is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

12. The Photograph was registered with the U.S. Copyright Office, within 3-months of their first publication, and was given Copyright Registration Number VA 2-086-355, effective as of February 2, 2018 (the “Certificate”). A true and correct copy of the Certificate is attached hereto as Exhibit B.

#### **B. Defendant’s Infringing Activities**

13. NBC posted the Photograph on the Website in an article titled *John Legend, Chrissy Teigen surprise Luna with her first trip to see the Rockettes*. See <https://www.today.com/parents/john-legend-chrissy-teigen-surprise-luna-her-first-trip-see-t120133>. A true and correct screenshot of the Photograph as it appears on the Website, along with a true and correct print-out of the full Article is attached hereto as Exhibit C.

14. Defendant did not license the Photograph from Plaintiff for the Website or any other use.

15. Defendant did not have Plaintiff's permission or consent to publish the Photograph on the Website.

**FIRST CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST NBC)**  
(17 U.S.C. §§ 106, 501)

16. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-15 above.

17. Defendant infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photograph on the Website. Defendant is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

18. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

19. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

20. As a direct and proximate cause of the willful infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

21. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photographs, pursuant to 17 U.S.C. § 504(c).

22. Plaintiff is further entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

23. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant NBC be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That Defendant NBC be ordered to remove the Photograph from its Website;
3. That Defendant NBC be adjudged to have falsified, removed and/or altered copyright management information in violation of 17 U.S.C. § 1202.
4. Plaintiff be awarded either: (a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or (b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;

5. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
6. That Plaintiff is be awarded his attorney's fees and full costs pursuant to 17 U.S.C. § 505;
7. That Plaintiff be awarded pre-judgment interest; and
8. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
March 19, 2018

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